

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELSA GULINO, MAYLING RALPH, PETER WILDS,
and NIA GREENE, on behalf of themselves and all others
similarly situated,

Plaintiffs,

- against -

THE BOARD OF EDUCATION OF THE CITY
SCHOOL DISTRICT OF THE CITY OF NEW YORK,

Defendant.

x
:
:
96 Civ. 8414 (KMW)
:
:

~~PROPOSED~~
CONSENT ORDER
AND
JUDGMENT
FOR
ZENEIDA
MARCELO

x

WHEREAS, the Court certified a remedy-phase class of Plaintiffs (*See Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Opinion and Order, No. 96-cv-8414, [ECF No. 386]), and Zeneida Marcelo (“Claimant”) is a member of that class;

WHEREAS, the Court appointed a Special Master (*See* May 20, 2014 Order of Appointment, [ECF No. 435]; November 12, 2014 Second Amended Order of Appointment, [ECF No. 524]) to hear, among other things, demands for damages;

WHEREAS, the Special Master made, and the Court adopted, Classwide Conclusions of Law, [ECF Nos. 999, 1008];

WHEREAS, the Board of Education of the City School District of the City of New York (“BOE”) and Plaintiffs entered into, and the Court so ordered, a Stipulation of Classwide Facts & Procedures, [ECF No. 1009];

WHEREAS, the BOE and Plaintiffs entered into, and the Court so ordered, a Sixth Supplemental Stipulation Concerning Admissibility of Exhibits, which attached a Sixth Supplemental Index of Exhibits (collectively referred to as the “Classwide Exhibits”) filed with the Court, [ECF No. 8247];

WHEREAS, Plaintiffs and the BOE have prepared the annexed Stipulated Findings of Fact and Conclusions of Law for Zeneida Marcelo (Exhibit 1), which the Plaintiffs and BOE agree that the Court should adopt;

WHEREAS, Plaintiffs and BOE consent to entry of this order and final judgment for Zeneida Marcelo pursuant to Federal Rule of Civil Procedure 54(b); and

WHEREAS, Plaintiffs and BOE have agreed not to appeal this order and final judgment for Zeneida Marcelo.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the annexed Stipulated Findings of Fact and Conclusions of Law for Zeneida Marcelo (Exhibit 1) is adopted;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Zeneida Marcelo will have judgment against the BOE in the amount of \$4,533.00, consisting of:

1. Backpay in the amount of \$2,883.00;
2. LAST Fees in the amount of \$370.00;
3. ASAF account award in the amount of \$167.00;
4. Pre-judgment interest calculated to be \$1,113.00; and
5. Pension-related relief pursuant to the terms of the Court's Order dated December 17, 2018 (Pension Stipulation & Order, [ECF No. 1014]).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, BOE will pay Zeneida Marcelo her judgment no later than July 31, 2022.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Zeneida Marcelo will be entitled to the following non-monetary relief:

1. The BOE is ordered to amend its internal service, salary, payroll, and human resources systems as follows:
 - a. Incorporate the "Pension Inputs" detailed in Paragraph 4 of Exhibit 1;
 - b. Incorporate Zeneida Marcelo's counterfactual monthly service history, as listed on Exhibit A to the Stipulated Findings and Fact and Conclusions of Law for Zeneida Marcelo; and
 - c. Grant Zeneida Marcelo retroactive seniority based on her counterfactual monthly service history, as described in Paragraph 4 of Exhibit 1.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this judgment be certified as final pursuant to Federal Rule of Civil Procedure 54(b).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this action for purposes of carrying out the terms of the Consent Order and Judgment, or granting such further relief as this Court deems just and proper.

Dated: 02-03-23

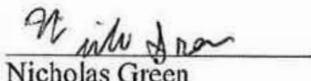
STIPULATED AND AGREED UPON BY:



ZENEIDA MARCELO



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Dated: 2/13/2023

ENTERED

/s/ Kimba M. Wood